

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE DR JUSTICE G.YETHIRAJULU
WRIT PETITION NO : 16267 of 2004

Between:

V.Lakshmi, W/o.Late V.Basavaiah,
R/o.Chakali Bazar, Thallada (P) & (M), Khammam Dist.

..... PETITIONER

AND

- 1 The Regional Manager, APSRTC, Khammam Region, Khammam.
- 2 The Depot Manager, APSRTC, Sathupalli Depot, Sathupalli,
Khammam Dist.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or writ more particularly one in the nature of Mandamus declaring the action of the 1st respondents in issuing proceedings dt.29-4-2004 rejecting the claim of the petitioner for appointment to the post of Conductor Grade-II / Shramik in pursuance of circular PD.No.30/2000, dt.5-5-2000 as wholly illegal, arbitrary and unjust, and consequently set aside the proceedings of the 1st Respondent dt.29-4-2004 and direct the respondents to appoint the petitioner in the post of conductor grade -II or Shramik in pursuance of the circular PD. No.30/2000, dt.5-5-2000 or any other suitable post on compassionate grounds.

Counsel for the Petitioner: MR.G.RAVI MOHAN

Counsel for the Respondents: MS.RAJANI GUDURI

The Court made the following :

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ORAL ORDER:

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The petitioner claims that she is the wife of her late husband Sri V.Basavaiah, who worked as a Cleaner in the respondent-Corporation and died in harness during the course of his employment on 21.6.2000. The petitioner, being the widow of the deceased -employee, made an application, dated 24.11.2000 for compassionate appointment under the Bread Winners Scheme. The petitioner contends that on her application, the respondents issued proceedings dated 2.2.2001 observing that the petitioner cannot be considered to the post of Conductor on the ground that she did not pass VIII class and directed the petitioner to claim additional monitory benefit in lieu of employment. The petitioner contends that she made her application to the post of Attender/Helper or any equivalent post on compassionate grounds.

The grievance of the petitioner is that the respondents rejected her application stating that she is not eligible to the post of Conductor. The petitioner, being aggrieved by the order of the respondents, filed W.P.No.2551 of 2002 before this Court seeking a direction for her appointment to any

suitable post. This Court passed an order, dated 15.4.2004 directing the petitioner to make a fresh representation to the respondent-Corporation. The petitioner contends that the respondent, without considering the facts and circumstances explained by the petitioner passed the impugned order, dated 29.4.2004 rejecting her candidature for appointment to the post of Shramik/Cleaner by suggesting her to make a claim for monitory benefit. The petitioner further contends that the respondent-Corporation issued a Circular No.PD.30/2000, dated 5.5.2000 making a provision for compassionate appoint under the Bread Winners Scheme and as per the said circular, the petitioner has necessary qualifications. Therefore, it is unjust on the part of the respondents in violating the circular to consider the request of the petitioner for compassionate appointment. The circular instructions issued by the Corporation are in force. The impugned order dated 29.4.2004 indicates that the application of the petitioner was rejected on the ground she did not pass requisite qualification of I.T.I for the post of Shramik/Cleaner.

The learned counsel for the petitioner submits that as per Circular No.PD.30/2000, dated 5.5.2000 regarding compassionate appointments under the Bread Winners Scheme, the educational qualification prescribed for Shramik/Cleaner is VIII Class and the candidate must be

below the age of 30 years as on the 1st July of the year in which the recruitment is made. The 1st respondent, without following the instructions of the Circular, passed the impugned order by observing that the petitioner did not possess the requisite qualification of I.T.I.

In the light of the above circumstances, the order of the 1st respondent, dated 29.4.2004 is set aside. The 1st respondent is directed to reopen the matter and once again consider the eligibility of the petitioner for the post of Shramik/Cleaner or such other posts to which she is eligible keeping in view the qualifications prescribed for Shramiks in the Circular No.PD.30/2000, dated 5.5.2000 within eight weeks from the date of receipt of a copy of this order and pass appropriate orders in accordance with the existing rules.

With the above direction, the writ petition is disposed of. No costs.

(DR.G.YETHIRAJULU,J)

13th September, 2004.

bcj

To

- 1 The Regional Manager, APSRTC, Khammam Region, Khammam.
- 2 The Depot Manager, APSRTC, Sathupalli Depot, Sathupalli,
Khammam Dist.
- 3 Two C.D. copies